

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

GIA GILBERT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Case No. 1:17-cv-00475-TH
EQUIFAX INC., et al.	)	
	)	
Defendants.	)	

**DEFENDANT EQUIFAX INC.'S  
ANSWER AND DEFENSES TO PLAINTIFF'S COMPLAINT**

NOW COMES Defendant Equifax Inc., by Counsel, and for its response to Plaintiff's Complaint states as follows:

**PRELIMINARY STATEMENT**

In answering the Complaint, Equifax Inc. states that it is responding to allegations on behalf of itself only, even where the allegations pertain to alleged conduct by all Defendants. Equifax Inc. denies any and all allegations contained in the headings and/or unnumbered paragraphs in the Complaint.

**ANSWER**

In response to the specific allegations in the enumerated paragraphs in the Complaint, Equifax Inc. responds as follows:

1. Equifax Inc. admits Plaintiff purports to bring claims against it for violations of the Fair Credit Reporting Act ("FCRA"). Equifax Inc. denies it is subject to or violated the FCRA, or that it violated any other law with regard to Plaintiff.
2. Equifax Inc. states that the FCRA speaks for itself.

3. Equifax Inc. denies the allegations in Paragraph 3 that pertain to it. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 3.

4. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4.

5. Equifax Inc. denies the allegations in Paragraph 5.

6. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6.

7. Equifax Inc. denies the allegations in Paragraph 7 as they pertain to Equifax Inc. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 7.

8. Equifax Inc. denies the allegations in Paragraph 8 as they pertain to Equifax Inc. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 8.

9. Equifax Inc. denies the allegations in Paragraph 9 as they pertain to Equifax Inc. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 9.

10. Equifax Inc. admits that Plaintiff is a natural person. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 10.

11. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11.

12. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12.

13. Equifax Inc. denies the allegations in Paragraph 13.

14. To the extent Plaintiff has properly alleged her claims, Equifax Inc. admits the Court may exercise its jurisdiction.

15. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15.

16. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16.

17. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.

18. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18.

19. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19.

20. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20.

21. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21.

22. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22.

23. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

24. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24.

25. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25.

26. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26.

27. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27.

28. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28.

29. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29.

30. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30.

31. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31.

32. Equifax Inc. denies the allegations in Paragraph 32 that pertain to it. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 32.

33. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33.

34. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34.

35. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35.

36. Equifax Inc. denies the allegations in Paragraph 36 that pertain to it. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 36.

37. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37.

38. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38.

39. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39.

40. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40.

41. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41.

42. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42.

43. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43.

44. Equifax Inc. denies the allegations in Paragraph 44.

45. Equifax Inc. denies the allegations in Paragraph 45.

46. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46.

47. Equifax Inc. denies the allegations in Paragraph 47.

48. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48.

49. Equifax Inc. denies the allegations in Paragraph 49.

50. Equifax Inc. denies the allegations in Paragraph 50 that pertain to it. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 50.

51. Equifax Inc. denies the allegations in Paragraph 51 that pertain to it. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 51.

52. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52.

53. Equifax Inc. denies the allegations in Paragraph 53 that pertain to it. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 53.

54. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54.

55. Equifax Inc. denies the allegations in Paragraph 55 that pertain to it. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 55.

56. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56.

57. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57.

58. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58.

59. Equifax Inc. reasserts and re-alleges its responses and defenses as set forth above in Paragraphs 1 through 58.

60. Equifax Inc. states that the FCRA speaks for itself.

61. Equifax Inc. admits the allegations in Paragraph 61.

62. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62.

63. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63.

64. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64.

65. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65.

66. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66.

67. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67.

68. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68.

69. Equifax Inc. denies the allegations in Paragraph 69 that pertain to it. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 69.

70. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70.

71. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71.

72. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72.

73. Equifax Inc. reasserts and re-alleges its responses and defenses as set forth above in Paragraphs 1 through 72.

74. Equifax Inc. states that the FCRA speaks for itself.

75. Equifax Inc. denies the allegations in Paragraph 75.

76. Equifax Inc. denies the allegations in Paragraph 76.

77. Equifax Inc. denies the allegations in Paragraph 77.

78. Equifax Inc. denies the allegations in Paragraph 78.

79. Equifax Inc. denies the allegations in Paragraph 79.

80. Equifax Inc. denies the allegations in Paragraph 80.

81. Equifax Inc. denies the allegations in Paragraph 81.

82. Equifax Inc. denies the allegations in Paragraph 82.

83. Equifax Inc. denies the allegations in Paragraph 83.

84. Equifax Inc. denies the allegations in Paragraph 84.

85. Equifax Inc. denies the allegations in Paragraph 85.



86. Equifax Inc. denies the allegations in Paragraph 86.

87. Equifax Inc. denies the allegations in Paragraph 87.

88. Equifax Inc. reasserts and re-alleges its responses and defenses as set forth above in Paragraphs 1 through 87.

89. Equifax Inc. states that the FDCPA speaks for itself.

90. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 90.

91. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91.

92. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92.

93. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93.

94. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94.

95. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95.

96. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96.

97. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97.

98. Equifax Inc. reasserts and re-alleges its responses and defenses as set forth above in Paragraphs 1 through 97.

99. Equifax Inc. states that the TCPA speaks for itself.

100. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100.

101. Equifax Inc. reasserts and re-alleges its responses and defenses as set forth above in Paragraphs 1 through 100.

102. Equifax Inc. states that the TDPA speaks for itself.

103. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103.

104. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 104.

105. Equifax Inc. is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105.

106. Equifax Inc. admits Plaintiff has demanded a trial by jury and likewise demands a jury trial in this case.

107. Equifax Inc. denies that the Plaintiff is entitled to any relief claimed in her Request for Relief on Page 16 of the Complaint.

108. Any allegation in Plaintiff's Complaint not heretofore specifically responded to by Equifax Inc. is hereby denied.

### **DEFENSES**

Without assuming the burden of proof where it otherwise rests with Plaintiff, Equifax Inc. pleads the following defenses to the Complaint:

#### **FIRST DEFENSE**

Plaintiff's damages, if any, were not caused by Equifax Inc., but by another person or

entity for whom or for which Equifax Inc. is not responsible.

**SECOND DEFENSE**

The Complaint is barred by the fault and negligence of other persons or entities and plaintiff's damages, if any, should be apportioned according to the principles of comparative fault.

**THIRD DEFENSE**

Equifax Inc. is not a proper party to this action.

**FOURTH DEFENSE**

Equifax Inc. is not a consumer reporting agency as defined by the FCRA.

**FIFTH DEFENSE**

Equifax Inc. denies each and every averment of Plaintiff's Complaint not specifically admitted in this Answer.

**SIXTH DEFENSE**

At all relevant times herein, the Plaintiff's alleged damages, which Equifax Inc. denies exist, were aggravated by the failure of the Plaintiff to use reasonable diligence to mitigate the same. Therefore, Plaintiff's recovery, if any, should be barred or decreased by reason of his failure to mitigate alleged losses.

**SEVENTH DEFENSE**

Equifax Inc. reserves the right to assert additional defenses that it learns through the course of discovery.

**WHEREFORE**, having fully answered or otherwise responded to the allegations contained in Plaintiff's Complaint, Equifax Inc. prays that:

- (1) Plaintiff's Complaint be dismissed in its entirety and with prejudice, with all costs

taxed against Plaintiff;

(2) That Equifax Inc. be dismissed as a party to this action;

(3) That this lawsuit be deemed frivolous and Equifax Inc. recover from plaintiff its expenses of litigation, including but not limited to attorneys' fees pursuant to 15 U.S.C. § 1681n(c) and 15 U.S.C. § 1681o(b); and

(4) That Equifax Inc. recover such other and additional relief, as the Court deems just and appropriate.

Dated: December 7, 2017

Respectfully submitted,

KING & SPALDING LLP

/s/ Kendall W. Carter

Kendall W. Carter

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Atlanta, GA 30309

Tel (404) 572-2459

*Counsel for Equifax Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that I have this day electronically filed a true and correct copy of the foregoing with the Court using the CM/ECF system, which will send notification of such filing to the following:

Ramona Ladwig  
Picard Ladwig, PLLC  
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Kimberly J Sims  
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Dated: December 7, 2017.

/s/ Kendall W. Carter  
Kendall W. Carter